

**DECLARATION FOR PATENT APPLICATION**  
English Language Declaration

As a below-named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe that I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled:

**BONE FUSION SYSTEM**

the specification of which was filed on July 22, 2003 as U.S. Patent Application Serial No. 10/625,503.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56, including, for continuation-in-part applications, material information that became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f) or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application that designated at least one country other than the United States of America, listed below, and also have identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Claimed?	Certified Copy Attached?

**DIRECT COMMUNICATIONS TO:**

James R. Abney, Esq.

Kolisch Hartwell, P.C.

200 Pacific Building

520 S.W. Yamhill Street

Portland, Oregon 97204

Telephone: (503) 224-6655

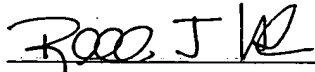
Facsimile: (503) 295-6679

Email: [abney@khpatent.com](mailto:abney@khpatent.com)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole or first joint inventor: RANDALL J. HUEBNER

Inventor's signature:  Date: November 18, 2003

Residence: 18000 S.W. Bany Road, Beaverton, Oregon 97007

Citizenship: United States of America

Post Office Address: 18000 S.W. Bany Road, Beaverton, Oregon 97007

Full name of second joint inventor: DAVID G. JENSEN

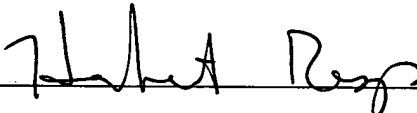
Inventor's signature:  Date: November 18, 2003

Residence: 555 S.W. 15<sup>th</sup> Street, Troutdale, Oregon 97060

Citizenship: United States of America

Post Office Address: 555 S.W. 15<sup>th</sup> Street, Troutdale, Oregon 97060

Full name of third joint inventor: HERBERT RESPESS

Inventor's signature:  Date: November 18, 2003

Residence: 3118 S.W. Beaverton Hillsdale Highway, Portland, Oregon 97239

Citizenship: United States of America

Post Office Address: 3118 S.W. Beaverton Hillsdale Highway, Portland, Oregon 97239



**POWER OF ATTORNEY,  
STATEMENT UNDER 37 C.F.R. § 3.73(b), and  
ASSERTION OF RIGHT UNDER 37 C.F.R. § 3.71 AND MPEP § 106**

Applicants: Randall J. Huebner, David G. Jensen, and Herbert Respass  
 Serial No.: 10/625,503  
 Filed: July 22, 2003  
 Title: BONE FUSION SYSTEM

Acumed LLC, a Delaware limited liability company, hereby appoints the practitioners at Kolisch Hartwell, P.C., USPTO Customer No. 23581, as its attorneys and agents to prosecute the above-identified patent application and to transact all business in the United States Patent and Trademark Office connected therewith. These practitioners currently include:

J. Pierre Kolisch, Reg. No. 15,802; John M. McCormack, Reg. No. 26,948; Peter E. Heuser, Reg. No. 27,902; David P. Cooper, Reg. No. 33,372; Pierre C. Van Rysselberghe, Reg. No. 33,557; Walter W. Karnstein, Reg. No. 35,565; Charles H. DeVoe, Reg. No. 37,305; David S. D'Ascenzo, Reg. No. 39,952; Owen W. Dukelow, Reg. No. 41,002; James R. Abney, Reg. No. 42,253; Mark D. Alleman, Reg. No. 42,257; M. Matthews Hall, Reg. No. 43,653; Christopher S. Tuttle, Reg. No. 41,357; B. Anna McCoy, Reg. No. 46,077; David E. Hall, Reg. No. 51,172; Ellen M. Gonzales, Reg. No. 44,128; Jason C. Creasman, Reg. No. 51,587; Edward B. Anderson, Reg. No. 30,154; John D. Russell, Reg. No. 47,048; Peter D. Sabido, Reg. No. 50,353; Stanley M. Hollenberg, Reg. No. 47,658; Anton E. Skaugset, Reg. No. 38,617; and Daniel L. Murphy, Reg. No. 41,210.

Acumed LLC states, under 37 C.F.R. § 3.73(b), that it is the assignee of the entire right, title, and interest in the above-identified patent application by virtue of an assignment from each of the inventor(s) named in the above-identified patent application. Copies of assignments or other documents in the chain of title are attached.

Acumed LLC hereby asserts its right, under 37 C.F.R. § 3.71 and MPEP § 106, to conduct the prosecution of the above-identified patent application to the exclusion of the named inventor(s) and any previous assignee(s).

**DIRECT COMMUNICATIONS TO:**

James R. Abney, Esq.  
 Kolisch Hartwell, P.C.  
 200 Pacific Building  
 520 S.W. Yamhill Street  
 Portland, Oregon 97204

Telephone: (503) 224-6655  
 Facsimile: (503) 295-6679  
 E-Mail: abney@khpatent.com

The undersigned (whose title is supplied below) is authorized to act on behalf of the above-identified assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

ACUMED LLC

Date: November 18, 2003

Randall J. Huebner, Executive Vice President

ASSIGNMENT

COPY

WHEREAS, we, Randall J. Huebner of Beaverton, Oregon, David G. Jensen of Troutdale, Oregon, and Herbert Respass of Portland, Oregon, have invented certain improvements in a BONE FUSION SYSTEM, for which we filed U.S. Patent Application Serial No. 10/625,503 on July 22, 2003; and

WHEREAS, Acumed LLC, a Delaware limited liability company, having its principal place of business in Hillsboro, Oregon, is desirous of acquiring an interest therein;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged, we, Randall J. Huebner, David G. Jensen, and Herbert Respass, have sold, assigned, and transferred, and do hereby sell, assign, and transfer, to Acumed LLC, its successors and assigns, the full and exclusive right to the invention in the United States and its territorial possessions and in all foreign countries, and the entire right, title, and interest in and to any and all Letters Patent that may be granted therefor in the United States and its territorial possessions and in any and all foreign countries, and in and to any and all divisions, continuations, reissues, substitutions, and extensions thereof.

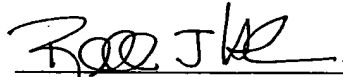
We hereby authorize and request the Patent Office officials in the United States and any and all foreign countries to issue any and all of said Letters Patent, when granted, to Acumed LLC, as the assignee of our entire right, title, and interest in and to the same, for the sole use of Acumed LLC, and its successors and assigns.

Further, we hereby covenant and agree to and with Acumed LLC, and its successors and assigns, at the time of execution and delivery of these presents, that we are the sole and lawful owner of the entire right, title, and interest in and to the invention and the above-

identified patent application, and that the same are unencumbered, and that we have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

Further, we agree that we will communicate to Acumed LLC, or its representatives, any facts known to us respecting the invention, and testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, reissue, substitution, and extension applications, execute all necessary assignment papers to cause any and all of said Letters Patent to be issued to Acumed LLC, make all rightful oaths, and generally do everything possible to aid Acumed LLC, and its successors and assigns, to obtain and enforce proper protection for the invention in the United States and in any and all foreign countries.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 18<sup>th</sup> day of November, 2003.

  
\_\_\_\_\_  
RANDALL J. HUEBNER

Witness:

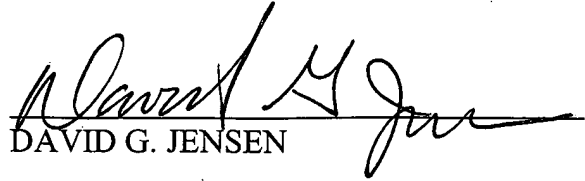
Signature: Alyssa Thomas

Name: Alyssa Thomas

Address: 16642 SW Lansford Court

City & State: Beaverton, Oregon

IN TESTIMONY WHEREOF, I have hereunto set my hand this 18<sup>th</sup> day of  
November, 2003.

  
DAVID G. JENSEN

Witness:

Signature: Alyssa Thomas

Name: Alyssa Thomas

Address: 16642 S.W. Lansford Court

City & State: Beaverton, Oregon

IN TESTIMONY WHEREOF, I have hereunto set my hand this 18<sup>th</sup> day of  
November, 2003.

  
HERBERT RESPASS

Witness: Alyssa Thomas

Signature: \_\_\_\_\_

Name: Alyssa Thomas

Address: 16642 S.W. Lansford Court

City & State: Beaverton, Oregon